

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

IN RE:)
VERMONT WOOD ENERGY CORP) CASE NO. 09-10453 cab
Debtor.)

**AMENDED APPLICATION OF CHAPTER 7 TRUSTEE TO APPROVE
EMPLOYMENT OF SPECIAL LITIGATION COUNSEL**

NOW COMES John R. Canney III, Trustee, and hereby moves, pursuant to Bankruptcy Rule 2014, for an order approving the employment of Douglas J. Wolinsky, Esquire, as his Special Litigation Counsel in this matter regarding litigation involving PA Pellets, LLC. The Trustee shall rely upon the following facts in support of this application:

1. On or about April 21, 2009 the Debtor filed a petition with this Court pursuant to Chapter 7 of the Bankruptcy Code.
2. John R. Canney III has been appointed Interim Chapter 7 Trustee.
3. Trustee now applies for an order approving the employment of Douglas J. Wolinsky, Esquire, and the firm of Primmer Piper Eggleston & Cramer PC, as his Special Litigation Counsel in this matter. Trustee avers that Douglas J. Wolinsky, Esquire has considerable experience in matters of this character and is well-qualified to represent him.
4. The professional services to be rendered by Douglas J. Wolinsky, Esquire,

as to this application, are limited to representation of the Estate in litigation involving PA Pellets, LLC, Bixby Energy Systems, Inc., and any related matters that result from this litigation.

5. The terms of the employment of Douglas J. Wolinsky, Esquire, subject to this Court's approval, are set forth in the attached statement of Douglas J. Wolinsky, Esquire, pursuant to Rule 2014, which is incorporated by reference herein. The attorney will make one application for compensation in this matter. Such application will be made pursuant to VLB Rule 2014.

6. Douglas J. Wolinsky, Esquire represents no interest adverse to the estate in the matters upon which he is to be engaged. He is familiar with the law and the facts of the case. He does not represent any interest adverse to the estate with respect to the matter on which he is to be employed. His employment would be in the best interest of the estate.

7. Based upon the Affidavit attached hereto, Applicant believes that said Douglas J. Wolinsky, Esquire, does not hold or represent any interest adverse to that of the Applicant or Estate and that said attorney is a "disinterested person" within the meaning of 11 U.S.C. Section 101(14). To the best of the Applicant's knowledge, Applicant is unaware of any connections as between Douglas J. Wolinsky, Esquire, with the Debtor, Vermont Wood Energy, Inc., with the creditors as scheduled by the Debtor or any other party in interest of which the Applicant is

aware of, or Debtor's respective attorneys or accountants except as set forth in the Affidavit of Douglas J. Wolinsky pursuant to Bankruptcy Rule 2014. Further, Applicant is unaware of any connections as between Douglas J. Wolinsky and the Office of the United States Trustee, or any person employed in the Office of the United States Trustee.

8. Insofar as I have been able to ascertain, neither Douglas J. Wolinsky, nor any associate thereof, is so connected with any bankruptcy judge in the United States Bankruptcy Court for the District of Vermont, or to the United States Trustee or any person employed in the Office of the United States Trustee, so as to render the appointment of the Firm as counsel for the Trustee inappropriate under Bankruptcy Rule 5002(b).

9. Trustee respectfully requests that this Court approve its employment of Douglas J. Wolinsky, Esquire under the terms specified to represent him as Special Litigation Counsel, including that the appointment is effective as of this date.

Dated at the City of Rutland, County of Rutland, and State of Vermont this 27th day of July, 2009.

BANKRUPTCY ESTATE OF
VERMONT WOOD ENERGY, INC.

By /s/ John R. Canney III
JOHN R. CANNEY III, ESQ.
CHAPTER 7 TRUSTEE
P.O. BOX 6626
RUTLAND, VT 05702-6626